

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE COMMISSIONER OF HEALTH

In the Matter of the Involuntary
Discharge/Transfer of R.B.,
Petitioner, by St. Anthony Health
Center, Respondent.

PROTECTIVE ORDER

Upon the request of the Petitioner, and pursuant to Minn. Stat. §§ 13.03, subd. 6, and 14.60, subd. 2, and Minn. R. 1400.6700, subp. 4, it is ordered that:

1. Disclosure of not public data is permitted in this matter but is limited to the undersigned Administrative Law Judge, the Petitioner, the Respondent and its employees, counsel of record, employees assisting counsel in preparation of the case, witnesses, and other persons to whom the not public data must be disclosed in order to adequately prepare for the hearing on this matter.

2. Data subject to this Protective Order includes data classified as “not public” by Minn. Stat. ch. 13, or other applicable law, and includes private or confidential data contained in the following: the contents of the Petitioner’s medical records; the Respondent’s investigative files; documents and records which become a part of the record during the hearing, including any written post-hearing submissions allowed by the Administrative Law Judge; the recording and any transcript prepared of the hearing; the recommended decision of the Administrative Law Judge; and the final decision of the Commissioner of Health.

3. “Not public” data specifically includes, but is not limited to: (1) the name of any vulnerable adult; (2) the identity of all individuals interviewed as part of any investigation performed by the Respondent; (3) other data on individuals maintained as part of the Respondent’s investigation.

4. Data identifying persons described in paragraph No. 3 above shall not become public data by virtue of having been submitted to this proceeding and shall remain not public after the conclusion of this review meeting. In preparation for and during the meeting, the parties may refer to names of individuals involved and will have access to documents containing private information. Unless the Administrative Law Judge determines that it is in the best interest of the persons described in paragraph No. 3 above, the record will not be sealed. The Administrative Law Judge’s Recommendation and the Commissioner’s Order shall use non-identifying initials or aliases in place of the names of any persons described in paragraph No. 3 above.

5. The hearing in this matter is presumed open. If a transcript is ordered, the names of the persons described in paragraph No. 3 above shall be redacted and replaced by non-identifying initials or aliases.

6. The data encompassed by this order may be used only in this proceeding and not for any other purpose including collateral litigation, unless otherwise ordered by a court of law.

7. Nothing in this Protective Order permits the disclosure of the identity of any reporter as prohibited by Minn. Stat. § 626.557, subd. 5(d).

8. Any person bound, as described by this Protective Order in paragraph No. 1, is prohibited from disclosing any of the data subject to this Protective Order to anyone other than those persons identified in paragraph No.1 above.

9. The Petitioner and counsel must return all copies of data subject to this Protective Order to the Respondent at the conclusion of this matter (except for the Petitioner's own medical records), or certify in writing that data subject to the Protective Order has been destroyed.

10. This Protective Order will expire upon compliance with the requirements of paragraph 9 above.

Dated: November 11, 2010

s/Kathleen D. Sheehy

KATHLEEN D. SHEEHY
Administrative Law Judge